



PATENT

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY  
(BY INVENTOR(S) OR ASSIGNEE)

(Complete A or B)

A. ☐ DECLARATION BY THE INVENTOR(S)

As a below named inventor; I hereby declare that: My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is described and claimed in letters patent number \_\_\_\_\_ granted on \_\_\_\_\_ and in the foregoing specification and for which invention I solicit a reissue patent;

B. ☒ DECLARATION BY ASSIGNEE

NOTE: The assignee of the entire interest may make the declaration if the reissue application does not seek to to enlarge the scope of the claims of the original patent. 37 CFR 1.172.

Vincent J. Coates Chief Exec. Officer  
(Type or print name of declarant) (Title)

of NANOMETRICS INCORPORATED,  
(Name of company or legal entity on whose behalf declarant is authorized to sign)

declare that I am a citizen of United States and resident of Palo Alto,  
California that the entire title to letters patent number

5,045,704 for METHOD FOR DETERMINING ABSOLUTE REFLECTANCE  
OF A MATERIAL IN THE ULTRAVIOLET granted on September 3, 1991  
19 RANGE

to Vincent J. Coates is vested in Nanometrics Incorporated  
(Inventor(s)) (Name of company or legal entity)

that I believe said named inventor(s) to be an original, first and sole inventor (*if only one name is listed*) or an original, first and part inventor (*if plural names are listed*) of the subject matter which is described and claimed in the aforesaid letters patent and in the foregoing specification and for which invention I solicit a reissue patent.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims,

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

☒ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

## PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete C or D)

- C. ☐ no such applications have been filed.  
D. ☒ such applications have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)	Priority Claimed
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO
				<input type="checkbox"/> YES <input type="checkbox"/> NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION

STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT  
37 CFR 1.175

That I believe the original patent to be

- ☐ partly  
☒ wholly

invalid because of error without any deceptive intent on the part of the applicant.

**NOTE:** Declarant must state the reasons for the belief and, if it be "by reason of a defective specification or drawing" or "by reason of the patentee claiming more or less than he had the right to claim in the patent," particularly specifying the defects and distinctly specifying the excess or insufficiency in the claims. In addition to stating that said errors arose "without any deceptive intention" on the part of the applicant the errors relied upon should be particularly specified and details as to how they arose or occurred supplied. Corroborating affidavits or declarations of others may be filed. 37 CFR 1.175.



STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL  
PATENT

(continued)

The original patent is inoperative because the Equation (2) in column 2 is incorrect. The correct relationship is shown by Equation (1) and was erroneously translated in Equation (2).

The error was repeated in the specifications at Col. 1, line 41 where the word "by" should be "into"; at Col. 1, Line 46 where the word "multiplied" should be replaced with "divided"; again at Col. 2, line 50; again at Col. 3, line 4; and again in Claim 2, line 2.

This error is also found in Figure 2 of the drawings which should state in the bottom box "DIVIDE  $mRx$  BY  $Z \lambda$  TO OBTAIN ABSOLUTE REFLECTANCE,  $aRx$ , OF SAMPLE  $x$ ".

This error is believed to have originated with the patent illustrator and was carelessly carried over into the specification where it remained undiscovered until recently.

A change has been made in Col. 1 of the specification to name the preferred known material, single crystal silicon, and to list some of its well-known characteristics. New dependent claims 6 and 7 were added to further limit the invention to a material having these specific characteristics.

There are other suggested changes to the specification which, while not affecting the validity of the patent, will render the specification more easily readable and understandable.

(Use supplemental page(s) if necessary)

# POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number.)

Linval B. Castle Reg. No. 20,332

(Check the following item, if applicable)

- ☐ Attached as part of this declaration and power of attorney is the authorization of the above named attorney(s) to accept and follow instructions from my representative.

## SEND CORRESPONDENCE TO:

Linval B. Castle  
22693 Hesperian Blvd., #270  
Hayward, CA 94541

## DIRECT TELEPHONE CALLS TO:

L. B. Castle  
(510)887-1346

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(Signature (s))

☒ BY THE INVENTOR(S)

Full name of **sole or first** inventor Vincent J. Coates  
Inventor's signature [Signature]  
Date August 19, 1993 Country of Citizenship U.S.A.  
Residence Palo Alto, California CA  
Post Office Address 3149 Alexis Drive  
Palo Alto, CA 94304  
Full name of **second joint** inventor, if any \_\_\_\_\_  
Inventor's signature \_\_\_\_\_  
Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
Residence \_\_\_\_\_  
Post Office Address \_\_\_\_\_

☐ BY ASSIGNEE OR PERSON AUTHORIZED TO SIGN ON BEHALF OF ASSIGNEE

*NOTE: Even though inventor(s) do not sign, complete above information for inventor(s).*

\_\_\_\_\_  
Signature of assignee or person authorized to  
sign on behalf of assignee

**CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS  
DECLARATION**

- ☐ Signature for third and subsequent joint inventors. Number of pages added. \_\_\_\_\_
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added. \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added. \_\_\_\_\_
- ☐ Statement of inoperativeness or invalidity of original patent. 37 CFR 1.175. Number of pages added \_\_\_\_\_
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.



PATENT

Attorney's Docket No. 8196-R

Applicant or Patentee: NANOMETRICS INCORPORATED

Serial or Patent No.: 0 / Patent 5,045,704, Reissue application

Filed or Issued: \_\_\_\_\_

For: METHOD FOR DETERMINING ABSOLUTE REFLECTANCE OF A MATERIAL IN THE ULTRAVIOLET RANGE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Nanometrics Incorporated

ADDRESS OF CONCERN 310 DeGuigne Drive  
Sunnyvale, California 94086

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled  
METHOD FOR DETERMINING ABSOLUTE REFLECTANCE OF A MATERIAL  
IN THE ULTRAVIOLET RANGE  
by inventor(s) Vincent J. Coates

described in

- ☒ the specification filed herewith. for reissue
- ☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_
- ☒ patent no. 5,045,704, issued Sept. 3, 1991

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Vincent J. Coates

TITLE OF PERSON OTHER THAN OWNER Chief Exec. Officer

ADDRESS OF PERSON SIGNING 3149 Alexis Drive  
Palo Alto, CA 94304

SIGNATURE  Date August 19, 1993